

SENATE BILL 2966

By Gilbert

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18 and Title 65, relative to 1-900 telephone services and providers of such services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) No local telephone carrier may provide local telephone service that includes access to a 1-900 calling feature unless the Tennessee consumer, user or subscriber of such service affirmatively elects in writing to receive such service.

(b) All existing 1-900 telephone access provided to Tennessee consumers shall be terminated effective January 1, 1999, unless written authorization is received from the consumer, user or subscriber to continue such access.

(c) No 1-900 service provider that conveys such access to a Tennessee consumer without receiving written authorization from such consumer as required in this section and before completing verification of such certification as required in Section 2 of this act shall be permitted to collect revenues from billing related thereto.

SECTION 2.

(a) Any 1-900 service provider of dating, escort or adult-oriented entertainment services that charges consumers on a duration-of-call basis or any other basis that results or can potentially result in charges that exceed fifty dollars (\$50) per month shall

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obtain written authorization from the Tennessee consumer, user or subscriber prior to its conveyance of services through a 1-900 number.

(b) Such written authorization shall include verification that the subscriber or user of such services is eighteen (18) years of age or older.

(c) As used in this part,

(1) "adult-oriented entertainment services" means any entertainment service provided over the telephone that utilizes live or recorded messages or conversations with one (1) or more persons and which has as a significant or substantial portion of such message or conversation any description, portrayal, simulation or performance of specified sexual activities or specified anatomical areas.

(2) "specified sexual activities" and "specified anatomical areas" shall have the same meanings attributed to such terms under Tennessee Code Annotated, Section 7-51-1102.

SECTION 3. No local telephone carrier or service provider shall be permitted to terminate any telephone service for failure to pay for 1-900 service billing when no written authorization and/or verification, as required by this act, has been obtained.

SECTION 4. No Tennessee telephone provider shall bill Tennessee customers for 1-900 services, which do not meet the requirements of this act.

SECTION 5. No Tennessee telephone consumer shall be liable for 1-900 service fees in excess of fifty dollars (\$50) for any calendar month, rendered through the consumer's telephone or billed to the consumer's telephone account, unless the consumer has first provided written authorization to the 1-900 service provider agreeing to be liable for such charges.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect July 1, 1998, the public welfare requiring it.